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In re Application of:  
Cooper *et al.*  
Application No. 09/583,629  
Filed: May 31, 2000  
Attorney Docket No. FSI0030/US

DECISION  
ON  
PETITION

This is a decision on the petition filed May 07, 2002, to withdraw the holding of abandonment of the above-identified application. No petition fee is required.

The petition is **granted**.

The application was held abandoned for failure to timely respond to the an Office action mailed on June 21, 2001. A Notice of Abandonment was mailed on April 09, 2002.

Petitioner contends that the above-identified Office action was not received. To support the petition, petitioner states that the Office action was not received and that a search of the file jacket and docket records indicates that the Office action was not received. A copy of petitioner's docket records was submitted with the petition.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

The petition and supporting evidence satisfy the above-stated requirements. Accordingly, the petition is **granted**.

The application file is being forwarded to the Technology Center 2800 support staff for remailing the Office action dated June 21, 2001. The shortened statutory period for response set therein will be reset to run three months from the date the Office action is remailed.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.



Edward J. Glick, Special Programs Examiner  
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